

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,  
Plaintiff

V.

\$42,000.00 UNITED STATES CURRENCY,  
Defendant

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CIVIL CASE NO.: \_\_\_\_\_

COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff, files this action for forfeiture and alleges upon information and belief:

Nature of Action

1. This is a civil forfeiture action in rem brought under:
  - a. 18 U.S.C. § 981(a)(1)(C) which provides for the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of any offense constituting “specified unlawful activity” (as defined in 18 U.S.C. § 1956(c)(7) which incorporates 18 U.S.C. § 1961(1) and includes any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States), or a conspiracy to commit such offense; and
  - b. 21 U.S.C. § 881(a)(6) which provides for the forfeiture of all moneys furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), all proceeds traceable to such an

exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substances Act.

#### Jurisdiction and Venue

2. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1355, 1391, and 1395.

#### Defendant Property

4. The Defendant is \$42,000.00 in United States currency (“Defendant Property”). The United States Postal Inspectors seized Defendant Property on or about April 12, 2019 pursuant to a search and seizure warrant. Defendant Property was found in a Priority Mail Express Parcel addressed to James Crowden (“Claimant”). Defendant Property was rubber banded together into different stacks and was vacuum sealed inside the parcel. Defendant Property is on deposit in the United States Postal Service seized asset deposit fund account located at a Federal Reserve Bank.

5. Claimant filed a claim with the United States Postal Inspection Service contesting the administrative forfeiture of Defendant Property. Claimant stated in his claim that he is the owner of Defendant Property.

#### Factual Basis

6. On April 9, 2019, a United States Postal Inspector received a suspicious Priority Mail Express Parcel (“Parcel”) from the North Houston, Texas Processing Plant. Parcel was heavily taped, and its label was handwritten. Parcel was addressed to Claimant at xxxx Lane, Houston, Texas from Frank Davis at xxxx Avenue, Jacksonville, Florida 32208. The “signature required” box on the label that would require Claimant’s presence for Parcel to be delivered was

not checked.

7. The Postal Inspector's research verified that xxxx Avenue, Jacksonville, Florida, 32208 is a valid address, but Frank Davis is not associated with the address. The Postal Inspector also verified that xxxx Lane, Houston, Texas 77042 is a valid address, and Claimant is associated with the address as recently as January 2019.

8. On April 11, 2019, Parcel, along with two dummy boxes, were exposed to a narcotics detection canine, Chelsea. Chelsea indicated a positive alert to the presence of controlled substance scent inside Parcel.

9. On April 12, 2019, two Postal Inspectors opened Parcel according to a Federal Search and Seizure Warrant. Parcel contained bubble wrap, used to fill up space, and an object wrapped in wedding themed gift wrap. Inside the gift wrap was Defendant Property, rubber banded together in different stacks and vacuumed sealed in plastic. Parcel contained no notes, invoices, letters, or cards.

10. Defendant Property was in the following denominations: 65 – \$100 bills; 76 – \$50 bills; 1523 – \$20 bills; 109 – \$10 bills; 30 – \$5 bills for a total of \$42,000.00.

11. Claimant contacted the United States Postal Services' consumer affairs about the location of Parcel on April 10 and April 12, 2019. However, Claimant was unable to identify the contents of Parcel and the name of the sender when asked by consumer affairs. The Debra Sue Schatz Post Office in Houston, Texas also received a customer inquiry out of Chicago, Illinois regarding the status of Parcel, which originated from Jacksonville, Florida. Postal management has confirmed delivery of other packages shipped From Frank Davis at the same Jacksonville address as the parcel containing Defendant Property to the xxxx Lane address between January

and April 2019.

12. Defendant Property constitutes or is derived from proceeds traceable to a violation of any offense constituting “specified unlawful activity” (as defined in 18 U.S.C. § 1956(c)(7) which incorporates 18 U.S.C. § 1961(1) and includes any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States), or a conspiracy to commit such offense.

13. Defendant Property was furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq., is proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq.

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in Defendant Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas at United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002, and a copy must be served upon the undersigned Assistant United States Attorney at United States Attorney’s Office, 1000 Louisiana, Suite 2300,

Houston, Texas 77002.

Prayer

Wherefore, the United States of America prays that judgment of forfeiture be entered against Defendant Property in favor of the United States of America under Title 18 U.S.C. § 981(a)(1)(C) and Title 21 U.S.C. § 881(a)(6) and for such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,  
Ryan K. Patrick  
United States Attorney

By: /s/ Jon Muschenheim  
Jon Muschenheim, AUSA  
SDTX ID No. 9246  
Texas State Bar 14741650  
1000 Louisiana, Suite 2300  
Houston, Texas 77002  
Fax: 713.718.3300  
Phone: 361.903.7905  
Email: Jon.Muschenheim@usdoj.gov

Verification

I, Lauren Brister, a Special Agent employed by the United States Postal Service, declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem, and that the facts stated in that Complaint are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation, and they are true and correct to the best of my knowledge and belief.

Executed on the 24<sup>th</sup> day of September, 2019.

  
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Lauren Brister  
Postal Inspector  
United States Postal Inspection Service

Certificate of Service

I hereby certify that a copy of the foregoing has been served upon the following in the manner indicated on September 24, 2019:

Counsel for James Crowden (certified mail/rrr)

Jacek W. Lentz  
Attorney at Law  
1200 Wilshire Boulevard  
Suite 406  
Los Angeles, California 90017

/s/ Jon Muschenheim

Jon Muschenheim  
Assistant U.S. Attorney